Executive SUMMARY

NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

FROM THE INTERIM REPORT: **OUR WOMEN AND GIRLS ARE SACRED**

National Inquiry into
Missing and Murdered
Indigenous Women and Girls

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2018

The National Inquiry into Missing and Murdered Indigenous Women and Girls

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National Inquiry into
Missing and Murdered
Indigenous Women and Girls

COVER IMAGE:

Eagle's Gift: Maxine Noel – IOYAN MANI
Image file courtesy of Canadian Art Prints

"That is what I am looking for—not for my sister-in-law now, because no one can harm her, but that my daughter, my granddaughter, my great-granddaughters can walk the streets in safety, my nieces, that no harm can come to them. We must stand up for justice for these women that have walked before us."

Our Women and Girls
ARE SACRED

NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

EXECUTIVE SUMMARY OF THE INTERIM REPORT

INTRODUCTION

The National Inquiry into Missing and Murdered Indigenous Women and Girls has concluded that violence against Indigenous people—including Indigenous women and girls—is rooted in colonization. For the violence against Indigenous women and girls to end, the ongoing colonial relationship that facilitates it must end.

Decolonizing this relationship between the Canadian state and Indigenous Peoples requires recognizing the inherent jurisdictions of Indigenous Peoples and properly resourcing the solutions. These solutions must be led by self-determining Indigenous people, communities, and Nations.

We base this conclusion primarily on our extensive review of previous reports on violence against Indigenous women and girls. These conclusions are in keeping with the work of previous major commissions of inquiry, government commitments, international declarations, and court rulings. Tragically, governments have been slow to implement these recommendations and fulfill their commitments.

Based on our work to date, the National Inquiry is issuing ten recommendations. The first two call on governments to implement the recommendations of key reports, meet international commitments, and comply with court rulings.

The remaining eight recommendations focus on changes required for the National Inquiry to effectively fulfill its mandate and meet the needs of Indigenous women and girls, including LGBTQ2S people. These include a commemoration fund for missing and murdered Indigenous women and girls, more extensive funding for health supports, creating a national police task force to assess or reopen cases, and removing administrative barriers that have hampered the National Inquiry's operations.

REMEMBERING WHY WE'RE HERE

There is a critical need for this National Inquiry. As a country, we still do not know how many Indigenous women and girls are missing, murdered, or otherwise lost to violence. We must learn how the lives of Indigenous women and girls have come to be so devalued. We need to better understand all of these issues to create change.[1]

1. The Interim Report uses "we" and "our" throughout. This is because this work isn't just that of the Commissioners or National Inquiry staff members. This is a movement, and the work of the National Inquiry includes everyone working to end violence against Indigenous women and girls.

Our vision for the National Inquiry is to build a foundation that allows Indigenous women and girls to reclaim their power and place. To bring this vision to life, the Inquiry has set out on a three-part mission: finding the truth, honouring the truth, and giving life to the truth. This is our path to healing.

Because of Indigenous Peoples' rich diversity, this will look different for our many First Nations, Métis, and Inuit Peoples. But in all that we do, we are guided by the National Inquiry's overarching principle—that our women and girls are sacred.

To best create change, this Inquiry needs to build on the foundation of other major inquiries: the Aboriginal Justice Inquiry of Manitoba (1991), the Royal Commission on Aboriginal Peoples (1996), and the Truth and Reconciliation Commission of Canada (2015).

These commissions, tasked with examining the relationship between Indigenous Peoples and the Canadian state, determined that violence against Indigenous people—including Indigenous women and girls—was rooted in colonization. With no fundamental change to the power balance, that core relationship is still inherently violent today.

The National Inquiry accepts these conclusions. For the violence against Indigenous women and girls to end, the ongoing colonial relationship that facilitates it must end.

Going forward, we will build on these conclusions by examining violence through the eyes of First Nations, Inuit, and Métis women. Centring female perspectives allows us to reframe the way we look at Indigenous women and girls. They are not only "victims" or survivors of colonial violence, but holders of inherent, constitutional, Treaty, and human rights that are still being violated today.

PHOTO: Vigil for Tina Fontaine and Faron Hall by the Red River in Winnipeg, 2014.

OUR STORY BEGINS

After decades of mothers, daughters, grandmothers, aunties, and cousins calling for an end to violence against Indigenous women, the National Inquiry into Missing and Murdered Indigenous Women and Girls was established in 2016.

The mandate of the National Inquiry is to report on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence. This includes issues like sexual assault, child abuse, domestic violence, bullying and harassment, suicide, and self-harm.

> THE MANDATE OF THE NATIONAL INQUIRY IS TO REPORT ON THE SYSTEMIC CAUSES OF ALL FORMS OF VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS.

The scope of the Inquiry includes policing practices, child welfare, treatment in hospitals and prisons, exclusion from political leadership, systemic discrimination in the law, and daily experiences of racism and sexism. We have the power to subpoena documents and compel witnesses, but cannot resolve individual cases or declare who may be legally at fault.

To accomplish our mandate, we have adopted three key approaches:

- **To be trauma-informed.** To accomplish this, we strive to support healing without further harm.
- **To be decolonizing.** To accomplish this, we strive to undo the forces of colonialism and root our work in Indigenous values, philosophies, and knowledge systems.
- **To put families first.** To accomplish this, we strive to fully include the families of women and girls lost to violence. This ensures that those who cannot speak for themselves continue to have a voice.

OUR STORY BUILDS

Due to the tireless efforts of family members, communities, and organizations, violence against Indigenous women and girls has been the subject of many reports over the past few decades. We need to review these reports to discover where there was consensus or differences of opinion, to determine which questions have been asked and which issues ignored. We have analyzed 98 reports containing over 1,200 recommendations.

We have also analyzed the pre-Inquiry community meeting materials, and are taking advice from survivors, the family members of missing and murdered women and girls, our National Family Advisory Circle, Elders and Grandmothers, Knowledge Keepers, young people, experts, academics, and representatives of national, Indigenous, local, and feminist organizations.

Virtually all of the reports that discuss root causes point to the historical legacies and continuing impacts of colonization. Many reports also discuss how discrimination under the *Indian Act* and other Canadian laws, the residential school system, and the Sixties Scoop have all contributed to Indigenous communities' loss of traditional knowledge, profound intergenerational trauma, and violence. They agree that no understanding of violence against Indigenous women and girls, including LGBTQ2S people, can be understood without grounding it firmly within Canadian colonialism.

Many reports point to Indigenous Peoples' loss of self-determination as a root cause of violence against Indigenous women and girls. These reports emphasize that Canadian governments need to rebalance the power in their relationships with Indigenous Nations and communities.

"All I want is a visit with my mom, to hear her voice, to get a reassuring hug, and to feel the love of a parent. These are my thoughts as a child of a murdered Indigenous woman. The National Inquiry can't bring my mom back or any of the other murdered women, but please give us the answers and closures to these devastating events that took place in our life. It's time to place our women and our girls back on their pedestal, to protect them, to love them, and tell them that they're our everything."

SHARON LABOUT-SCHAFF, DAUGHTER OF VICKY LABOUT, MURDERED
IN 1994, FROM THE NATIONAL INQUIRY'S COMMUNITY
HEARING IN WHITEHORSE, JUNE 3, 2018

Building on the Legal Strategy Coalition on Violence Against Indigenous Women's literature review in 2015, we identified 17 overarching themes in the reports that we reviewed.

1. The need for a national inquiry into violence against Indigenous women and girls.
2. The need for a federally coordinated, cross-jurisdictional national action plan to address violence against Indigenous women and girls.
3. The need for federal, provincial, and territorial governments to publicly acknowledge and condemn violence against Indigenous women and girls.
4. The need for public education and greater public awareness of violence against Indigenous women and girls.
5. The need for more frequent and accessible transportation services to be made available to Indigenous women.
6. The need to fully ratify and implement international human rights declarations, especially the United Nations Declaration on the Rights of Indigenous Peoples, the Organization of American States' Belém do Pará Convention, and the International Labour Organization's Indigenous and Tribal Peoples Convention (ILO Convention 169).
7. The need for compensation for family members and/or a healing fund for survivors and families.
8. The need for properly resourced initiatives and programming to address root causes of violence against Indigenous women and girls.
9. The need for programming that addresses violence against Indigenous women and girls led by Indigenous people, especially Elders, Two-Spirit people, Indigenous women, and Indigenous women's organizations.
10. The need for more information concerning the performance of programs and strategies meant to address violence against Indigenous women and girls.
11. The need to reform discriminatory legislation, including ongoing gender discrimination under the *Indian Act* and gender discrimination under matrimonial property laws on reserve, and the need to ensure that discrimination under the *Indian Act* can be heard by the Canadian Human Rights Tribunal.
12. The need for more comprehensive information sharing concerning violence against Indigenous women.
13. The need for better supported community-based first response.
14. The need to better protect Indigenous women involved in survival sex work or who are being trafficked for sex.
15. The need for measures to improve relationships between police services and Indigenous communities (including survivors, families, and more vulnerable Indigenous women).
16. The need for more responsive, transparent, and accountable policing: investigations, prosecutions, and oversight.
17. The need for properly resourced and accessible community and restorative justice measures.

Progress on implementing these recommendations has been slow. Most recommendations have never been implemented at all. Generally, efforts have focused more on reactive than preventative measures. However, both approaches urgently need more attention.

Over half of the 1,200 recommendations we reviewed either specifically call for better interjurisdictional cooperation among federal, provincial, and territorial governments, or apply jointly to federal, provincial, and territorial

governments (meaning these jurisdictions would have to cooperate with each other).

If political jurisdictions are serious about ending violence against Indigenous women and girls, they will have to improve their ability to work together. Collaboration and coordination between Canadian and Indigenous governments is just as important.

Insufficient government funding continues to serve as a systemic barrier to implementing many of these recommendations. Funding models should also strengthen Indigenous Peoples' self-determination rather than reinforce colonial patterns.

The issues facing Métis and LGBTQ2S people remain under-researched, even though Métis women and girls experience more violence than do non-Indigenous women and girls in Canada. Pervasive racist and sexist stereotypes, as well as poorer socio-economic conditions, make them more vulnerable to violence.

LGBTQ2S people experience especially high rates of violence due to high rates of homelessness, homophobic and transphobic biases in the health care system, and a lack of expertise in LGBTQ services for Two-Spirit and other Indigenous gender or sexual minorities.

OUR STORY UNFOLDS

The National Inquiry's work is well underway. In the coming months, we will continue to implement our multi-phased "Truth-Gathering Process." This process encompasses multiple phases of hearings and Inquiry-led projects, as well as our engagement with families and communities.

The National Inquiry is mandated to hold public and private ("in camera") hearings across Canada. The goal is to gather information (through witness testimony, independent research, and subpoenaed evidence), to produce findings of fact, and to make recommendations on the issues set out in its Terms of Reference.

While this process is rooted in Western law, we have based our hearing process on an Indigenous conceptualization of gathering multiple truths, rather than a Western concept of seeking a conclusion based on a single truth. It is our hope that this will create opportunities for families who have lost loved ones and survivors of violence to share their stories in a culturally safe and trauma-informed way.

THE INQUIRY WILL ALSO UNDERTAKE NEW RESEARCH THAT WILL BE BASED ON THE KEY THEMES AND KNOWLEDGE GAPS IDENTIFIED THROUGH THE TRUTH-GATHERING PROCESS.

SOME OF THE CRITICAL EMERGING ISSUES INCLUDE SELF-HARM (INCLUDING YOUTH SUICIDES), ONLINE HARASSMENT AND EXPLOITATION, HUMAN TRAFFICKING, AND GANGS.

There are three phases of the National Inquiry's hearing process: the Community Hearings, the Institutional Hearings, and the Expert Hearings. Throughout every phase of the Truth-Gathering Process, we will respect and learn from First Nations, Inuit, and Métis protocols, symbols, and ceremonies. We do this to recognize Indigenous laws, traditions, and ways of healing.

The Inquiry will also undertake new research that will be based on the key themes and knowledge gaps identified through the Truth-Gathering Process. Some of the critical emerging issues include self-harm (including youth suicides), online harassment and exploitation, human trafficking, and gangs. There is also an urgent need to learn more about existing Indigenous-centred solutions and traditional knowledge. We invite your feedback on our more detailed research strategy, called the *Paths of Inquiry*, available online.

Commemoration and art are also essential parts of our Truth-Gathering Process. We will continue to work with families, survivors,

organizations, and governments on future plans to honour those who have been lost. Family members and survivors can also choose to communicate their truth through art, and this will be given the same weight and consideration for the Final Report as public testimony. These gifts of artistic expression will be safeguarded through our Indigenous-centred Legacy Archive, where they will bear witness to these stories past the life of the Inquiry.

We are also engaging, educating, and learning from our youth. *Their Voices Will Guide Us*, the National Inquiry's education guide and arts-based youth project, is aimed at changing the narrative around how Indigenous women, girls, and LGBTQ2S people are treated. The voices of children and youth will help guide our findings and recommendations in the Final Report.

Throughout the Truth-Gathering Process, we are trying to "do things differently"—doing this work with, for, and by Indigenous people. This creates both opportunities and challenges. Federal hiring and procurement regulations designed for permanent departments have also hampered our ability to do our work in a timely fashion.

Some of our most significant challenges include:

- re-centring Indigenous laws, while balancing the requirements of a public inquiry in Western law;
- working with federal rules and requirements not designed for short-term inquiries like ours; and
- building stronger connections with families and survivors, as well as with women's organizations and Indigenous communities.

These are no small tasks. We ask for your support, patience, and insight as we move forward with these considerations in mind.

PHOTO: The National Inquiry's red willow basket.

OUR STORY CONTINUES

The National Inquiry's final report will provide a full set of recommendations based on its Truth-Gathering Process. However, based on our work to date, the Inquiry wishes to endorse and build upon many of the recommendations that have been made to date in a variety of inquiries, inquests, commissions, human rights complaints, and independent reports.

The National Inquiry also wishes to make 10 recommendations, divided into two groups:

- calls for immediate action; and
- recommendations on the National Inquiry's process, which we hope will lead to a better way forward.

CALLS FOR IMMEDIATE ACTION

The National Inquiry calls for immediate action for:

1. Implementation of all Calls to Action of the Truth and Reconciliation Commission, particularly those that impact Indigenous women and children, including the immediate implementation of Jordan's Principle and the immediate and full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation, and including a federal action plan, strategies, and other concrete measures to achieve the goals of UNDRIP;
2. Full compliance with the Canadian Human Rights Tribunal ruling (2016) that found that Canada was racially discriminating against First Nations children.

NATIONAL INQUIRY PROCEDURAL RECOMMENDATIONS

Along with the endorsement of existing recommendations that can immediately address systemic violence and its underlying causes, the National Inquiry recommends the following:

3. That the federal government find a way to provide the contact information of the families and survivors who participated in the pre-Inquiry process to the National Inquiry. Alternatively, that the federal government provide families and survivors who participated in the pre-Inquiry process information on how to participate in the National Inquiry.
4. That federal, provincial, and territorial governments provide project funding, in addition to regular operational funds, to help ensure Indigenous organizations' full and meaningful participation in the National Inquiry.
5. That the federal government establish a commemoration fund in collaboration with national and regional Indigenous organizations (including Indigenous women's organizations) and in partnership with family coalitions, Indigenous artists, and grassroots advocates who have spearheaded commemoration events and initiatives related to missing and murdered Indigenous women, girls, and LGBTQ2S people.
6. That the federal government immediately provide additional funding to Health Canada's Resolution Health Support Program and expand its services to meet the increased needs flowing from the National Inquiry's work, and at a minimum for the duration of the National Inquiry.
7. That Health Canada's Resolution Health Support Program provide funding to Indigenous organizations and other service providers (including provincial

and territorial governments) through contribution agreements and transfer funds to provide the necessary health supports to families and survivors participating in the National Inquiry's Truth-Gathering Process and engaging in its commemoration activities.

8. That the federal government undertake an engagement process with families, survivors, Indigenous organizations, and the National Inquiry to investigate the feasibility of restoring the Aboriginal Healing Foundation.

9. That the federal government work collaboratively with provinces and territories to create a national police task force to which the National Inquiry could refer families and survivors to assess or reopen cases or review investigations.

10. Given the short timeframe of the National Inquiry and the urgency of establishing robust administrative structures and processes, that the federal government provide alternatives and options to its administrative rules to enable the National Inquiry to fulfill the terms of its mandate.

MOVING FORWARD

Based on our guiding principle—that all Indigenous women and girls are sacred—our vision is to see Indigenous women and girls restored to their rightful power and place. We hope that all Canadians will share this vision and engage with each other to protect the rights of Indigenous women, girls, and LGBTQ2S people.

We encourage you not to wait until our Final Report is released to do this. Listen to webcasts of our Community Hearings. Educate yourself about the issues. Find out what national and regional Indigenous organizations are doing. Talk to Indigenous neighbours in your own community. Learn how to work in respectful partnership with Indigenous peoples. There is so much work to be done.

As you join us on this journey, we hope that you will gain a deep respect for the courage, strength, resilience, and knowledge of the people and voices at the heart of this Inquiry. Truly decolonizing and transforming our country will require nothing less.

"At my age, most of the women are second or third generation [residential school] survivors and that being taught, 'don't speak, don't talk about anything'.... They're just lost. (...)

I was there. I was absolutely lost. I didn't know who I was.... But now today I'm very proud of who I am and I want other women to be proud of who they are too and you can get through it. You can get through anything. If I can do it, you can do it too."

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